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Stephanie Priddy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHANIE PRIDDY,

Plaintiff,

vs.

LANE BRYANT, INC., and DOES 1-100,
inclusive

Defendant.

Case No. C 08-05377 (JL)

**STIPULATION OF DISMISSAL WITH
PREJUDICE**

FRCP Rule 41(a)(1)(A)(ii)

Stephanie Priddy ("Plaintiff" or "Priddy") and Lane Bryant, Inc. ("Defendant") (Plaintiff and Defendant are together referred to hereinafter as the "Parties") hereby enter into this Stipulation of Dismissal with Prejudice of Plaintiff's entire Complaint and all claims stated therein.

WHEREAS, Priddy was employed with the Company from approximately April 21, 2008

FILED

MAR 24 2011

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

1 through approximately June 2, 2008.

2 WHEREAS, on September 15, 2008, Priddy filed a putative class action complaint against
3 Lane Bryant, Inc. in the Superior Court of California for the County of Los Angeles; on or around
4 October 20, 2008, Defendant removed the action to the United States District Court for the
5 Central District of California based upon diversity of citizenship; and on or around November 26,
6 2008, the case was transferred to the Northern District of California. Priddy's lawsuit alleged
7 various claims for alleged failure to pay overtime, failure to provide meal and rest periods, failure
8 to provide accurate wage statements, and other wage and non-wage related claims related to her
9 employment with the Company (hereinafter the "Civil Action"). In addition to her individual
10 claims, Priddy sought to maintain such claims on a class and representative action basis.

11 WHEREAS, on September 7, 2010, Defendant filed a Motion to Dismiss Plaintiff's class
12 claims (Docket #50) for the reasons set forth in Defendant's Memorandum of Points and
13 Authorities, namely that the vast majority of Plaintiff's class claims had been settled and released
14 in the related *Moody v. Charming Shoppes* action (Case No. CV 07-6073) action and that Plaintiff
15 was barred from seeking PAGA penalties for her remaining class claim for violation of California
16 Labor Code section 212.

17 WHEREAS, the Court granted Defendant's Motion in an Order dated October 29, 2010
18 (Docket #55) and subsequently remanded the matter to state court for failure to meet the amount
19 in controversy pursuant to the Class Action Fairness Act. Plaintiff sought reconsideration of this
20 Order (Docket #56), which was granted in part and denied in part (Docket #63). The Court
21 maintained that Plaintiff could proceed on only her individual claims, but the Court vacated its
22 remand Order and retained jurisdiction over Plaintiff's individual claims.

23 WHEREAS, subsequently the Parties fully and finally settled and resolved all claims
24 alleged in and related to the Civil Action and any and all outstanding claims, issues and disputes
25 regarding or relating to Priddy's employment with the Company, including but not limited to the
26 compensation she received from the Company and the termination of her employment.

27 WHEREAS, the Parties have executed a written Settlement Agreement and Release of
28 Claims, pursuant to which each party shall bear its own respective costs and attorneys' fees.

1 For the reasons set forth above and pursuant to the Federal Rules of Civil Procedure, Rule
2 41(a)(1)(A)(ii), the Parties hereby jointly Stipulate to the dismissal with prejudice of this entire
3 action and request that the Court terminate all proceedings in this action.
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6 Dated: March 22, 2011

RIGHETTI GLUGOSKI, P.C.

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8 By Michael Righetti /S/

9 Attorneys for Plaintiff
Stephanie Priddy

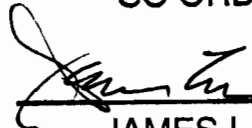
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11 Dated: March 22, 2011

MORGAN, LEWIS & BOCKIUS LLP

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13 By Eric Meckley /S/

14 Eric Meckley
Attorneys for Defendant
LANE BRYANT, INC.
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18 SO ORDERED

19 
20 JAMES LARSON
21 U.S. MAGISTRATE JUDGE
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